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September 10, 2020

By ECF

District Judge Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

By ECF

Magistrate Judge James Orenstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Cha, et al v Compass Group USA*
Case No.: 1:19-cv-05233-DLI -JO

Dear Honorable Judge Irizarry:

We represent the Defendant Compass Group USA, Inc. (“Defendant”) in this matter. Please accept this letter in response to Plaintiffs’ September 3, 2020 pre-motion letter regarding summary judgment motion practice.

Defendant respectfully suggests that the proposed motion is premature. Defendant served written discovery requests (Interrogatories Fed. R. Civ. P. 34 Requests for the Production of Documents) on Plaintiffs on December 19, 2019. Plaintiffs’ *first* responses to written discovery were received on September 3, 2020, about *2 hours* before receiving Plaintiffs’ pre-motion letter.

This timeframe is a result of Plaintiffs’ own delay in answering discovery and does not permit Defendant a full and fair opportunity to review Plaintiffs’ discovery responses (or lack of responses)¹. A full and fair assessment of the discovery exchanged is required prior to undertaking summary judgment motion practice, including the opportunity to confer with experts on issues such as accident reconstruction and bio-mechanics.

Therefore, Defendant respectfully suggests that Plaintiffs’ request to undertake summary

¹ In response to several discovery requests, Plaintiffs have simply answered “not applicable”, including requests seeking information about damages, medical treatment information, witness statements, and photographs of the vehicles.

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judgment motion practice at this time is premature. In addition, Defendant requests that it be permitted at least 30 days to analyze Plaintiffs' written discovery responses, and, at that time, be allowed to further respond to Plaintiff's pre-motion with an eye towards using the extra allotted time to allow the parties to perhaps resolve any discovery disputes and liability issues amongst themselves without need for further motion practice.

Respectfully submitted



William E. Vita

WEV/jai

cc: Jay Wechsler, Esq. (By ECF)